IN THE HIGH COURT OF BOMBAY AT GOA.

CIVIL REVISION APPLICATION NO. 230 OF 2002.

Shri Antonio Fernandes,
Agriculturist, r/at Ilha
de Ratos, Agacaim. ... Applicant.

Versus

1. Anna Rita Rosalina
   Sulochana Vaz, r/of
   near Holy Spirit Church,
   Margao.
2. Maria Zoraida Sarojini
   Vaz, r/at H. No. 178,
   Near Holy Spirit Church,
   Margao.
3. Maria Judith Ninette
   Xacuntala Vaz, r/at
   Central Government
   Officers' Quarters,
   Altinho, Panaji.
4. Kewal Kumar Sharma,
   r/at Central Government
   Officers' Quarters,
   Altinho, Panaji.
5. Shri Francisco Adolfo
   Alcantara de Piedade Vaz,
   r/of near Holy Spirit
   Church, Margao.
6. Smt. Maria Ruth de Noronha
   Alcantara Vaz, r/of near
   Holy Spirit Church, Margao. ... Respondents.

Mr. R. Satardekar, Advocate for the Applicant.

Mr. Sudin M.S. Usgaonkar, Advocate for the Respondents.

Coram: P.V. HARDAS, J.

Date: 12th September 2002.

ORAL JUDGMENT.

By consent, this Revision is taken up for final disposal at the stage of admission.

2. This Civil Revision Application has been filed against the Order passed by the Civil Judge,

Senior Division, Panaji, dated 8th November 2001, dismissing the Civil Miscellaneous Application No. 49/2001/A, filed by the present applicant. The filing of the Civil Miscellaneous Application No. 49/2001/A was a sequel to the Order of the learned trial Court passed in Regular Civil Suit No. 183/2000/A, dated 24th July 2001, allowing Exhibits 36 and 37, filed by the original plaintiffs for impleading the legal representatives of the deceased plaintiffs on record and for deletion of the name of the deceased plaintiff no. 3.

3. With the assistance of the learned counsel for the parties I have gone through the Order impugned in the present revision. The Order in the present revision concerns Civil Miscellaneous Application No. 49/2001/A, an application for reviewing the Order of the learned trial Court dated 24th July 2001. The learned trial Court, while rejecting the application for review, has delivered a detailed and a reasoned Order. The learned trial Court has found that there was no error apparent on the face of the record warranting the review of its earlier Order dated 24th July 2001. On perusal of the impugned Order and after hearing the learned counsel for the applicant, I am of the considered opinion that there was no error apparent on the face of the record warranting the trial Court to

review its earlier Order. The trial Court had exercised its discretion in permitting the legal representatives of the deceased plaintiffs to be brought on record. The learned trial Court has also relied upon the Judgment of the Apex Court and the Judgments of the Bombay High Court. I see no perversity in the reasoning to warrant interference under Section 115 of the Code of Civil Procedure.

4. For the aforesaid reasons, there is no merit in the revision and the same is dismissed with no order as to costs.

(P.V. HARDAS)
JUDGE.

ed's.